IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 29043 of 1995

Between:

Kajuluru Appa Reddy S/o Suryananrayana Reddy
Pallipalem, Kajuluru Mandal East Godavari District

..... PETITIONER

AND

1 The District Collector E.G.Dist At Kakinada
E.G.Dist At Kakinada
2 The Deputy Collector (R.O.R)., E.G.Dist At Kakinada
E.G.Dist At Kakinada
3 The Mandal Revenue Officer Tallarevu Mandal
Tallarevu . E.G.District
4 The Revenue Inspector (R.O.R) Tallarevu Mandal, Tallarevu
E.G.District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus declaring the action of the respondents in not conducting the enquiry and finalize the claim statements filed by the petitioner and others in regarding the lands situated at sy.No.643/1 and 643/3 over an extent of Ac. 136.92 cents of lands which is situated at P.Mallavarm Village. Tallarevu Mandal, East Godavari District as illegal arbitrary and violative of the AP. Record of Rights in Land and Pattadar pass books Rules, 1989 and consequently direct the respondents to issue pass books to the petitioners and other legal heirs of late Sri.K.Subbarayudu for the lands situated at sy.Nos.643/1 and 643/3, P.Mallavaram Village, Tallarevu Mandal, East Godavari District, over an extent of Ac. 136.92 cents after conducting due enquiry as per AP.Record of Rights in Land and Pattadar pass book Rules 1989,

Counsel for the Petitioner: MR.P.V.S.S.S.RAMA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.29043 OF 1995

ORDER:

This writ petition is filed seeking a direction to the respondents to issue pattadar pass books with regard to the land admeasuring an extent of Ac.136.92 cents covered by the Survey No.643/1 and 643/3 of P.Mallavaram village, Tallarevu mandal of East Godavari district.

It is the case of the petitioner that in spite of his filing application for issuance of pattadar pass book, no enquiry is conducted and no orders are passed and their claim has not been finalized.

In the counter filed on behalf of the respondents, it is stated that the claims which are filed in Form-IA will be registered in 2-A register as per Rule 6(1) of the Rules framed under Records of Rights Act,1971 and all such claims shall be enquired into by the authorities. It is further stated that in the instant case the petitioner never attended the enquiry and did not produce any documentary evidence in support of his claim. Further it is also stated that as per the above rules the recording authority has already conducted enquiry by visiting the village and also conducted Grama Sabha and recommended for issuance of pattadar pass books in genuine cases. It is further stated that in the instant case no documentary evidence was filed in proof of the claim for issuance of pattadar pass books. Further it is stated that they recommended only for an extent of Ac.11.44 cents in survey No.643/3 in favour of the claimants namely Rekadi Krishna Murthy, Maddamsetti Venkatalakshmi, Gangireddy Suryanarayana Pemmadi Govindaraju, and Bendalu Lalita.

Petitioner having failed to file any evidence of registering the claim as per the Rules framed under the Act, cannot seek a writ of mandamus so as to declare the action of the respondents as illegal. In that view of the matter, I do not find any ground for granting the relief as prayed for. However, it is open for the petitioner to file claim before the competent authority as per the Rules for any portion of the patta. If any such claim is filed, it is open for the respondents to enquire the claim of the petitioner

in accordance with the provisions of Record of Rights Act and the Rules made there under.

Subject to above observation, this writ petition is disposed of. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.04.02.2005.

Mdaa.

Copy to:

1 The District Collector E.G.Dist At Kakinada
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E.G.District

5. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (out).

6. Two C.D.copies.